



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 40] नई दिल्ली, शुक्रवार, मई 7, 1976/वैशाख 17, 1898
No. 40] NEW DELHI, FRIDAY, MAY 7, 1976/VAISAKHA 17, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 7th May, 1976:—

BILL NO. 57 OF 1976

A Bill further to amend the Coal Mines (Nationalisation) Act, 1973.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Coal Mines (Nationalisation) Amendment Act, 1976.

Short
title.

26 of 1973.

2. In section 3 of the Coal Mines (Nationalisation) Act, 1973 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-sections shall be inserted, namely:—

Amend-
ment of
section 3.

“(3) On and from the commencement of the Coal Mines (Nationalisation) Amendment Act, 1976,—

(a) no person, other than—

(i) the Central Government or a Government company or a corporation owned, managed or controlled by the Central Government, or

(ii) a person to whom a sub-lease, referred to in the proviso to clause (c), has been granted by any such Government, company or corporation, or

(iii) a company engaged in the production of iron and steel,

shall carry on coal mining operation, in India, in any form;

(b) excepting the mining leases granted before such commencement in favour of the Government, company or corporation, referred to in clause (a), and any sub-lease granted by any such Government, company or corporation, all other mining leases and sub-leases in force immediately before such commencement, shall, in so far as they relate to the winning or mining of coal, stand terminated;

(c) no lease for winning or mining coal shall be granted in favour of any person other than the Government, company or corporation, referred to in clause (a):

Provided that the Government, company or corporation to whom a lease for winning or mining coal has been granted may grant a sub-lease to any person in any area on such terms and conditions as may be specified in the instrument granting the sub-lease, if the Government, company or corporation is satisfied that—

(i) the reserves of coal in the area are in isolated small pockets or are not sufficient for scientific and economical development in a co-ordinated and integrated manner, and

(ii) the coal produced by the sub-lessee will not be required to be transported by rail.

(4) Where a mining lease stands terminated under sub-section (3), it shall be lawful for the Central Government or a Government company or corporation owned or controlled by the Central Government to obtain, notwithstanding anything contained in sub-section (2), or in the proviso to sub-section (2) of section 3 of the Coal Mines (Taking Over of Management) Act, 1973, a prospecting licence or a mining lease in respect of the whole or part of the land covered by the mining lease which stands so terminated.”

15 of 1973.

Amend-
ment of
section 30.

3. Section 30 of the principal Act shall be re-numbered as sub-section (1) of that section, and, after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Any person who engages, or causes any other person to be engaged, in winning or mining coal from the whole or part of any land in respect of which no valid prospecting licence or mining lease or sub-lease is in force, shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to ten thousand rupees.”

Repeal
and
saving.

4. (1) The Coal Mines (Nationalisation) Amendment Ordinance, 1976, is hereby repealed.

Ordinance
3 of 1976.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

After the nationalisation of coal mines a number of persons holding coal mining leases unauthorisedly started mining of coal in the most reckless and unscientific manner without regard to considerations of conservation, safety and welfare of workers. Not only were they resorting to slaughter mining by superficial working of outcrops and thereby destroying a valuable national asset and creating problems of water-logging, fires, etc., for the future development of the deeper deposits, their unsafe working also caused serious and fatal accidents. They were making larger profits by paying very low wages, and by not providing any safety and welfare measures. Thefts of coal from adjacent nationalised mines were also reported after the commencement of these unauthorised operations. The number of these unauthorised operations had shown an increasing trend of late. Areas where illegal and unauthorised operations were being carried on, were without proper geological of mine plans and also without any assessment of reserves in regard to quality and quantity of coal which could be made available after detailed exploration work was undertaken and results analysed. No scientific exploitation of these deposits could be undertaken in the nationalised sector without these details. It was, therefore, considered that it would not be appropriate either to nationalise these unauthorisedly worked mines after taking them over under the Coal Mines (Taking Over of Management) Act, 1973 or to get the connected mining leases prematurely terminated and regranted to Government companies under the Mines and Minerals (Regulation and Development) Act, 1957. In view of the policy followed by the Central Government that the coal industry is to be in the nationalised sector, it was decided that the Coal Mines (Nationalisation) Act, 1973 should be amended to provide for termination of all privately held coal leases except those held by privately owned steel companies, so that it may be possible for the Central Government, Government Company or Corporation to take mining leases where necessary, after the necessary exploration has been made as to the extent of the deposits of coal, etc.

2. It is now proposed to replace this Ordinance by an Act of Parliament.

NEW DELHI;

K. C. PANT.

The 5th May, 1976.

S. L. SHAKDHER,
Secretary-General.

